

REMARKS

Claims 1, 3, and 5-20 are pending in the present application. Claims 1, 5, 8, 15, 18, and 20 are independent claims.

ALLOWABLE SUBJECT MATTER

Applicants thank the Examiner for recognizing the allowability of claims 1, 3, 5-7, and 9-19.

35 U.S.C. § 112, FIRST PARAGRAPH REJECTION

Claim 20 has been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Applicants assert that the rejection is now moot given the amendment of claim 20.

35 U.S.C. §102(E) CHANG ET AL. REJECTION

Claim 8 has been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,564,065 to Chang. Claims 8 recites the sequential Bayesian procedure characteristics are implemented as a Bayes-modified likelihood function. In paragraph 8 on page 7 of the outstanding Office Action, the Examiner does not even assert that Chang discloses such a function. Accordingly, Applicants respectfully submit that independent claim 8 is allowable for at least this reason.

Although Chang discloses a Bayesian-update method, Chang does not disclose a Bayes-modified likelihood function. The Examiner is reminded that the Applicants may be Applicants' own lexicographer (MPEP 2111.01) and the term Bayes-modified likelihood function may be interpreted as disclosed, *inter alia*, pages 6-9 of the Specification. There is no

indication or suggestion that the Bayesian-update method of Chang uses anything other than a normal Bayesian function. A modified likelihood function is not taught or suggested in Chang.

Accordingly, Applicants respectfully submit that independent claim 8 is allowable for at least this reason.

CONCLUSION

In view of the above remarks, reconsideration of the various rejections and allowance of claims 1, 3, and 5-20 is respectfully requested.


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John A. Castellano at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY & PIERCE, P.L.C.

By



John A. Castellano, Reg. No. 35,094
P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

JAC/RFS/bof